

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

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BOARD MEMBERS
Albert S. Porter, Chairman
Bryan A. Schneider, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Wanda L. Rednour
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

AGENDA

**State Board of Elections
State Officers Electoral Board
Friday, August 29, 2008
James R. Thompson Center – Room 9-040
Chicago, Illinois
10:30 a.m.**

1. Call State Officers Electoral Board to order.
2. Approval of the minutes from the July 8 and July 21 meetings.
3. Adjourn State Officers Electoral Board.

STATE OFFICERS ELECTORAL BOARD
Meeting Via Videoconference
Tuesday, July 8, 2008

MINUTES

PRESENT:

Albert S. Porter, Chairman
Bryan A. Schneider, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Wanda L. Rednour, Member
Jesse R. Smart, Member
Robert J. Walters, Member

ALSO PRESENT:

Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist II

The special meeting of the State Officers Electoral Board was called to order via videoconference means shortly after 10:00 a.m. Chairman Porter, Vice Chairman Schneider and Member McGuffage were present in Chicago and Members Keith, Smart and Walters were present in Springfield. Member Keith held Member Rednour's proxy until she was connected via teleconference call at 10:02 a.m. and Vice Chairman Schneider held Member Brady's proxy until his arrival in the Chicago office at 10:05 a.m.

Vice Chairman Schneider moved to approve the minutes from the June 9 meeting as presented. Member McGuffage seconded the motion which passed unanimously.

The General Counsel presented objections to resolutions to fill vacancies in nomination for the General Election for the following cases: *Gronewold v. Shrier*, 08SOEBGE100; *Gooch v. Garling*, 08SOEBGE503; *Karmel v. Shabo*, 08SOEBGE50; and *Schultz v. Sugrue*, 08SOEBGE505. It was noted that Michael Kasper, who was an attorney in all four cases was delayed in attending the meeting because he was attending a meeting of the Chicago Board of Election Commissioners. It was agreed by all to move on to the next agenda item and consider these cases later in the meeting.

The General Counsel called the cases and accept appearances for objections to petitions from the independent and new party candidate filing period for the following matters: *Denzler v. Carter*, 08SOEBGE102; *Boltz v. Ferguson*, 08SOEBGE507; *LeBeau v. Stevo*, 08SOEBGE508; and *Haase v. Druck*, 08SOEBGE509. He noted once the Board approves agenda items six and seven, the parties

will then confer with the hearing officer for further scheduling of proceedings.

Next on the agenda was to approve the Rules of Procedure for the State Officers Electoral Board. Member Keith indicated he had previously suggested clarification to the second paragraph of Rule number nine regarding evidence. The General Counsel acknowledged that the changes were incorporated into the Rules and the final version was sent to the Board prior to the meeting. Vice Chairman Schneider moved to approve the Rules with Member Keith's suggested changes. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel asked the Board to authorize the appointment of Ken Menzel to serve as the Hearing Officer for the objections to petitions from the independent and new party candidate filing period. Member McGuffage moved to approve the said appointment. Member Brady seconded the motion which passed unanimously.

The Board returned to objections to resolutions to fill vacancies in nomination for the General Election. The General Counsel presented *Gronewold v. Shrier*, 08SOEBGE100. John Countryman, on behalf of the Objector and Michael Kasper, on behalf of the candidate were both present in Chicago. The objection was filed against Mr. Shrier, who is a democratic candidate for State Representative in the 106th district, on the basis that the Resolution was untimely filed by the candidate in that it was not filed within the three days following the meeting of the managing committee at which the candidate was chosen to fill the vacancy in nomination. The Hearing Officer recommended the candidate's nominating papers be deemed valid. The General Counsel concurred with the recommendation of the Hearing Officer. Mr. Countryman disagreed and indicated that the statute does not clarify business days and, therefore, the resolution should have been filed by March 17th which it was not. Mr. Kasper agreed with the Hearing Officer and indicated that weekend days and holidays are excluded from the three day window as set forth in Section 1-6 of the Election Code and the intent was to allow a certain amount of business days to file. Member McGuffage moved to accept the recommendation of the Hearing Officer and General Counsel. Member Rednour seconded the motion and the roll call vote was 4-4 with Vice Chairman Schneider, Members Brady, Smart and Walters voting in the negative.

Vice Chairman Schneider moved to not accept the recommendation of the Hearing Officer and General Counsel. Member Brady seconded the motion and the roll call vote was 4-4 with Chairman Porter, Members Keith, McGuffage and Rednour voting in the negative. The General Counsel indicated the question as to the name of the candidate's appearance on the ballot would not be raised until the date of certification and that the effect of the Board's decision today is that a ruling failed to be made one way or the other on the objection.

In response to a request from Mr. Kasper, the Chairman agreed to proceed to *Schultz v. Sugrue*, 08SOEBGE505.

The General Counsel presented *Schultz v. Sugrue*, 08SOEBGE505. Michael Kasper, on behalf of the Objector and John Countryman, on behalf of the Candidate were both present in Chicago. The Objection was filed against Mr. Sugrue, who is a republican candidate for State Representative in the 59th district, on the allegations that the Representative Committee met in three separate locations on the same day to nominate candidates for two separate offices and the organizational meeting of the Committee took place outside the 59th district. The Hearing Officer found the meeting took place within the 59th district and recommended the candidate's nominating papers be deemed valid and the General Counsel concurred with the recommendation. Mr. Kasper noted that he took no exception to the recommendation of the Hearing Officer. Mr. Countryman did not comment. Member Brady moved to accept the recommendation of the Hearing Officer and General Counsel. Vice Chairman Schneider seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Gooch v. Garling*, 08SOEBGE503. John Countryman and John Fogerty, on behalf of the Objector and Michael Kasper, on behalf of the Candidate were all present in Chicago. The Objection was filed against Mr. Garling, who is a democratic candidate for State Representative in the 52nd district, and alleges the first Resolution was untimely filed as it was filed more than three days following the appointment of the nominee. Subsequent to that the Representative Committee met again and selected Mr. Garling as the nominee but following that meeting submitted Mr. Garling's withdrawal of his candidacy from the original appointment and a

resolution to fill the vacancy after the withdrawal was executed, essentially reappointing him to the same office. The fact that the candidate executed the withdrawal but did not file it meant that there was really no withdrawal, therefore, the Committee was attempting to fill a vacancy that had not yet occurred. The Hearing Officer recommended the nominating papers be deemed invalid and the General Counsel concurred. Mr. Kasper indicated that he felt the nomination was effective because it was carried out in a way that was consistent with the General Assembly in allowing vacancies to be filled. He disagreed with the Hearing Officer's recommendation and the vacancy was filled according to the provisions of the Election Code. Mr. Fogerty agreed with the Hearing Officer in that the first set of nomination papers were improper as they were not filed within the three day timeframe. However, he felt a vacancy was not created until the withdrawal was actually filed with the State Board of Elections and pointed out that a withdrawal is not effective upon execution but when it is actually filed. After lengthy discussion, Member McGuffage moved to not accept the recommendation of the Hearing Officer and General Counsel and the candidate remain on the ballot. Member Keith seconded the motion and the roll call vote was 4-4 with Vice Chairman Schneider, Members Brady, Smart and Walters voting in the negative. Vice Chairman Schneider moved to accept the recommendation of the Hearing Officer and General Counsel. Member Brady seconded the motion and the roll call vote was 4-4 with Chairman Porter, Members Keith, McGuffage and Rednour voting in the negative.

The General Counsel presented *Karmel v. Shabo*, 08SOEBGE504. Michael Kasper, on behalf of the Objector and John Countryman and John Fogerty, on behalf of the Candidate were all present in Chicago. The Objection was filed against Mr. Shabo, who is a republican candidate for State Representative in the 80th district, and alleges the Representative Committee failed to file a Certificate of Organization indicating it was organized and authorized to appoint nominees to fill the vacancy as required by the Election Code. The Hearing Officer recommended the objection be sustained, the nominating papers of Mr. Shabo be deemed invalid and the General Counsel concurred. Mr. Kasper stated the Committee failed to file the Statement of Organization which meant that those individuals on the Committee were not authorized to appoint nominees to fill such vacancy and that the

Resolution was not filed until after the objection period began and expired. Discussion ensued regarding timely filing of documents. Mr. Countryman disagreed with the Hearing Officer's recommendation and felt that all requirements of Section 7-61 were met and the candidate should remain on the ballot. After discussion, Member Brady moved to reject the recommendation of the Hearing Officer and General Counsel. Member Walters seconded the motion and the roll call vote was 4-4 with Chairman Porter, Members Keith, McGuffage and Rednour voting in the negative. Member McGuffage moved to accept the recommendation of the Hearing Officer and General Counsel. Member Rednour seconded the motion and the roll call vote was 4-4 with Vice Chairman Schneider, Members Brady, Smart and Walters voting in the negative.

The General Counsel informed the Board that there were no other cases for the State Officers Electoral Board.

Vice Chairman Schneider moved to recess State Officers Electoral Board until July 21, 2008 at 10:30 a.m. Member Rednour seconded the motion which passed unanimously. The meeting recessed at 11:25 a.m.

Respectfully submitted,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director

STATE OFFICER'S ELECTORAL BOARD

Monday, July 21, 2008

Springfield, Illinois

MINUTES

PRESENT:

Albert Porter, Chairman
Bryan Schneider, Vice Chairman
John Keith, Member
William McGuffage, Member
Wanda Rednour, Member
Jesse Smart, Member
Robert Walters, Member

ABSENT:

Patrick Brady, Member

ALSO PRESENT:

Dan White, Executive Director
Steve Sandvoss, General Counsel
Rebecca Glazier, Assistant to Executive Director

The meeting of the State Officer's Electoral Board was called to order at 10:42 a.m. with seven members present. Member Brady was absent and Member Schneider held his proxy. Member Smart was connected via telephone and the Chicago office was connected via videoconference.

The General Counsel reviewed the objection of *Denzler v. Carter*, 08SOEBGE102, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 18th District was no fewer than 11,422. The candidate filed no more than 116 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Andrew Raucci was present on behalf of the objector. Bradley Carter was present pro se. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel reviewed the objection of *Boltz v. Ferguson*, 08SOEBGE507, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 13th District was no fewer than 10,480. The candidate filed no more than 2 signatures. The hearing officer recommended the

objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Andrew Raucci was present on behalf of the objector. No one was present for the candidate. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Vice Chairman Schneider seconded the motion which passed by roll call vote of 8-0.

The General Counsel reviewed the objection of *LeBeau v. Stevo*, 08SOEBGE508, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 10th District was no fewer than 10,285. The candidate filed no more than 6,978 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Andrew Raucci was present on behalf of the objector. Allan Stevo was present pro se. Mr. Stevo asked the Board to reject the challenge to his petition and allow him on the ballot and challenged the law which he feels is unconstitutional. Mr. Raucci stated that the Illinois Supreme Court upheld the constitutionality of the larger signature requirement and in his opinion since new political party candidates did not have the burden of having to participate in a primary election, it justified the larger signature requirement to appear directly on the General Election ballot. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel reviewed the objection of *Haase v. Druck*, 08SOEBGE509, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 14th District was no fewer than 9,995. The candidate filed no more than 7,131 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Jeff Jurgens was present on behalf of the objector. Andrew Spiegel was present on behalf of the candidate. Mr. Spiegel indicated he agreed partially with the hearing officer in that this Board cannot declare a statute unconstitutional, but felt that the larger signature requirement

for new party candidates was nevertheless unconstitutional. Mr. Jurgens rested on the pleadings as submitted. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for Board consideration motions to reconsider the three unresolved objections to resolutions to fill vacancies in nomination submitted by counsel for the parties, in the following matters: *Gronewold v. Shrier*, 08SOEBGE100; *Gooch v. Garling*, 08SOEBGE503; *Karmel v. Shabo*, 08SOEBGE504. John Countryman and John Fogerty were present on behalf of the objector in the matter of *Gronewold v. Shrier* and *Gooch v. Garling*. Michael Kasper was present on behalf of the candidate in those matters as well. In the matter of *Karmel v. Shabo*, Mr. Kasper represented the objector and Mr. Countryman the candidate. After discussion on who has the right to make a request for reconsideration Member McGuffage moved to grant the Motion for Reconsideration which was rephrased as a Motion for Further Consideration. Member Rednour seconded the Motion which passed by a roll call vote of 8-0. It was noted that this was a procedural vote only. Mr. Countryman asked the Board to break the previous deadlock vote on the matter to enable the parties to take appropriate action. Both Mr. Countryman and Mr. Kasper were seeking final orders in the three cases. Member McGuffage moved in the matter of *Gronewold v. Shrier* to accept the recommendation of the hearing officer and General Counsel in order to reach a majority decision which would allow the parties an opportunity to appeal if they so choose. Member Rednour seconded the motion. Discussion ensued on how these candidates would appear on the official Board Certification in the event the Board failed to dispose of these cases by a majority vote, as it was noted that the cases are not ripe for appeal until the electoral board issues a Final Order by such a vote. The motion was called and failed as a result of a vote of 4-4, with Members Brady, Smart, Walters and Vice Chairman Schneider voting in the negative. Mr. Kasper and Mr. Countryman agreed to withdraw their motions for reconsideration in the two remaining cases. In response to a question from Member Rednour, the General Counsel stated that currently, the candidate's names were still on the ballot in

that they have not been removed by a majority vote of the Board and further explained that the tie vote leaves the objections in limbo, and that it would be the decision of the State Board of Elections (as opposed to the State Officers Electoral Board) as to whether these candidates will appear on the Official Certification and if so, whether the words "objection pending" would appear next to their names.

With there being no further discussion, Member Schneider moved to adjourn until August 29 or the call of the chair and reconvene as the State Board of Elections. Member Rednour seconded the motion which passed unanimously. The meeting adjourned at 11:20 a.m.

Respectfully submitted,


Assistant to Executive Director


Executive Director